

## REMARKS

Claims 1, 8, 17, 20, 26, 30 and 31 have been amended. In addition, Claims 4-6 have been canceled and Claims 32-34 have been added. No new matter has been added.

### **Objection under § 112, second paragraph**

The amendment to Claim 8 and the addition of Claim 34 have been made to obviate the objection raised by the Examiner under 35 U.S.C. § 112, second paragraph.

### **Rejections over the Prior Art**

Claims 1 and 20 have been amended to recite the limitation of former Claim 6, that at least twenty devices are affected. While the Examiner has rejected Claim 6 as obvious over Enomoto in view of Fridley and Emmons, as explained in detail below, the minimum number of devices affected is a critical limitation of the claim that relates to a principal purpose of the invention.

As explained in Paragraph [0002] of the specification as filed, a “particularly annoying problem occurs while trying to have a conversation in a location where a TV is powered on.” Of course, the TV’s and other devices one encounters are manufactured by a great number of different companies who use a similar number of different power codes. The premise of the present invention, as set forth in paragraph [0024] is that “it would be great to have a device that turns off any distracting TV that one comes across.” (Emphasis added). Further, paragraph [0025] emphasizes that “the number of power codes is maximized so that a majority of television receiving devices can be powered off.” The inventor has discovered that if the signals for at least twenty different televisions are included, that a majority of television receiving devices can indeed be powered off. Thus, contrary to the assertion of the Examiner, the limitation relating to “at least twenty devices” is actually a critical parameter of the claim. A device lacking this critical limitation would be unable to turn off a sufficient number of devices to allow the user to overcome the “annoying problem” referred to above in a sufficient number of locations.

All of the claims now recite that at least twenty devices are affected and are patentable over the cited prior art for that reason. However, many of the dependent claims also recite distinctions that are patentable over the cited prior art. For example, Claims 16-17 and 30-31 recite that the length of time between encoded signals is between 1/10 second and either about ¼ or ½ second. The Examiner correctly pointed out that the Fridley reference discloses a time between signals of 40 milliseconds. However, Fridley could use such a short period between

signals only because the device of Fridley controlled only three signals, which were sufficiently distinguishable that none of the three devices would get "confused" by the short period between the signals. This problem of confusion is explained at paragraph [0035] of the specification. Without the proper spacing between signals, "the IR remote receiver on any television set will get confused by being in the vicinity of so many different encoded power signals." Where, as in the claimed invention, at least twenty different signals are encoded, the likelihood of signals being not readily distinguishable increases dramatically. Accordingly, in the context of the present invention, a sufficiently long period between signals can be important in preventing the confusion so as to allow the IR remote receive to "only respond to the power code that will turn its power off." *Id.*

Moreover, the upper end of the period between signals can also be important in the context of the present invention in which at least twenty different signals are encoded. Where twenty or more signals are encoded there are at least 19 time periods between signals. Thus, the total length of time to emit all of the signals can be increased substantially by having a time period of greater than  $\frac{1}{2}$  second between signals. Thus, the limitations recited in Claims 16-17 and 30-31 that the length of time between encoded signals is between  $\frac{1}{10}$  second and either about  $\frac{1}{4}$  or  $\frac{1}{2}$  second set further additional bases for patentability.

Additionally, Claim 18 and new Claims 33-34 limit the number of functions to either one or two. Since the premise of the invention is to overcome the annoying problem of electronic devices, such as TVs, in the environment, only one or two functions, such as on/off, mute or closed captioning, are needed. In fact, having additional functions would only increase the size and/or cost of the device unnecessarily. The prior art devices are all directed to controlling functions on a device on which it is desired to control various features, including volume up/down, channel change, etc. Thus, nothing in the prior art would motivate one having ordinary skill in the art to make a remote control device that controls only one or two functions. As such, the device of Claims 18 and 33-34 is patentable over the prior art for this additional reason.

In view of the foregoing, withdrawal of all of the rejections under 35 U.S.C. §§ 102 and 103 is respectfully requested.

#### **Fees**

A two-month extension of time is requested. A check in the amount of \$225 to cover the fee for the extension is enclosed.

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Three claims have been canceled and three claims added. Accordingly, no excess claims fees are believed due.

A return postcard for acknowledging receipt is also enclosed.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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